

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

PEDRO MELENDEZ,

Defendant.

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**21-CR-200-LJV**

**STATEMENT OF DEFENDANT WITH  
RESPECT TO SENTENCING FACTORS**

**MARYBETH COVERT**, affirms under penalty of perjury that:

I am an Assistant Federal Public Defender in the Western District of New York and represent the Defendant, Pedro Melendez, in the above-entitled action brought by the United States of America. I make this affirmation in accordance with the requirements of Section 6A1.2 of the Sentencing Guidelines, “Statement of Defendant with Respect to Sentencing Factors,” as promulgated by the United States Sentencing Commission.

In accordance with those rules, it is hereby stated on behalf of the Defendant, that I have reviewed the Presentence Report and have discussed the same with Pedro Melendez. Mr. Melendez does not dispute any of the calculations contained in the report.

The Defendant requests that the Court advise him about all information which it will consider in imposing sentence which negatively impacts on the Defendant and about which the Defendant has no prior notice from the Presentence Report, including, but not limited to, *ex parte* communications with United States Probation Officers and victims. *United States v. Mueller*,

168 F.3d 186 (5th Cir. 1999); *United States v. Corace*, 146 F.3d 51 (2d Cir. 1998); *United States v. Rivera*, 96 F.3d 41 (2d Cir. 1996).

**DATED:** Buffalo, New York, December 15, 2022.

Respectfully submitted,

**/s/ MaryBeth Covert**

MaryBeth Covert

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**TO:** Caitlin M. Higgins  
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Matthew G. Zenger  
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